

City of Las Vegas

AGENDA MEMO - COMMUNITY DEVELOPMENT

PLANNING COMMISSION MEETING DATE: APRIL 9, 2024

DEPARTMENT: COMMUNITY DEVELOPMENT

ITEM DESCRIPTION: APPLICANT: VERONICA MENDES-BROWN - OWNER:
STEVEN T. BROWN AND VERONICA R. BROWN

**** STAFF RECOMMENDATION(S) ****

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
23-0671-VAR1	Staff recommends DENIAL, if approved subject to conditions:	

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 25

NOTICES MAILED 287

PROTESTS 0

APPROVALS 0

**** CONDITIONS ****

23-0671-VAR1 CONDITIONS

Planning

1. A Variance is hereby approved to allow an existing 16-foot tall Residential Accessory Structure [Detached Carport] to exceed the height of the principal dwelling unit where such is not allowed.
2. A Variance is hereby approved to allow a zero-foot side yard setback where three feet is required for an existing Residential Accessory Structure [Detached Carport].
3. A Variance is hereby approved to allow a zero-foot separation from the primary dwelling where six feet is required for an existing Residential Accessory Structure [Detached Carport].
4. A Variance is hereby approved to allow an existing Residential Accessory Structure [Detached Carport] to not be aesthetically compatible with the principal dwelling unit where such is required.
5. A Variance is hereby approved to allow a total accessory structure size of 53 percent of the principal dwelling floor area where 50 percent is the maximum allowed.
6. A Variance is hereby approved to allow a lot coverage of 52 percent where 50 percent is the maximum allowed.
7. This approval shall be void two years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.16. An Extension of Time may be filed for consideration by the City of Las Vegas.
8. All necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Building and Safety Division.
9. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
10. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

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Public Works

11. The request for secondary driveway is hereby approved. The proposed driveway shall meet Public Right-of-Way Accessibility Guidelines (PROWAG) and conform to Uniform Standard Drawing 222 and 223 for placement. No part of the driveway may encroach onto the frontage of the adjacent property.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

The applicant is requesting a Variance of various residential development standards for an existing, unpermitted Residential Accessory Structure [Detached Carport] at 5308 Rebecca Road.

ISSUES

- The submitted Variance application is a result of an open Code Enforcement case (#CE22-01894) for the subject property. The case remains open pending the result of this Variance application.
- A Variance (23-0671-VAR1) is requested to allow an existing 16-foot tall Residential Accessory Structure [Detached Carport] to exceed the height of the principal dwelling unit where such is not allowed. Staff does not support this request.
- A Variance (23-0671-VAR1) is requested to allow a zero-foot side yard setback where three feet is required for an existing Residential Accessory Structure [Detached Carport]. Staff does not support this request.
- A Variance (23-0671-VAR1) is requested to allow a zero-foot separation from the primary dwelling where six feet is required for an existing Residential Accessory Structure [Detached Carport]. Staff does not support this request.
- A Variance (23-0671-VAR1) is requested to allow an existing Residential Accessory Structure [Detached Carport] to not be aesthetically compatible with the principal dwelling unit where such is required. Staff does not support this request.
- A Variance (23-0671-VAR1) is requested to allow a total accessory structure size of 53 percent of the principal dwelling floor area where 50 percent is the maximum allowed. Staff does not support this request.
- A Variance (23-0671-VAR1) is requested to allow a lot coverage of 52 percent where 50 percent is the maximum allowed.

ANALYSIS

The subject site is zoned R-1 (Single Family Residential) and is subject to Title 19 development standards. The applicant has constructed a Residential Accessory Structure [Detached Carport] without permits that fails to comply with Title 19 development standards. A Code Enforcement case (#CE22-01894) has been ongoing since April 2022, citing violations for an unpermitted metal carport that does not meet Title 19 requirements.

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Title 19.06.040 requires accessory structures to be aesthetically compatible with the principal dwelling unit. The existing detached carport is made of metal material which is deemed incompatible with the material of the principal dwelling. As depicted in the site plan and elevations, the existing Residential Accessory Structure [Detached Carport] is 16-feet tall, has a zero-foot side yard setback and a zero-foot separation from the primary dwelling.

The following table depicts the applicable development and design standards concerning Residential Accessory Structures and the requested deviations included in this Variance request:

<i>Requirement</i>	<i>Request</i>	<i>Applicable code section</i>	<i>Staff Recommendation</i>
Accessory structures not to exceed the height of the principal dwelling unit	To allow a 16-foot tall Residential Accessory Structure [Detached Carport] to exceed the height of the principal dwelling unit.	19.06.070	Denial
Three-foot minimum side yard setback	To allow a zero-foot side yard setback for a Residential Accessory Structure [Detached Carport].	19.06.070	Denial
Six-foot separation from the primary dwelling	To allow a zero-foot separation from the primary dwelling for a Residential Accessory Structure [Detached Carport].	19.06.070	Denial
Accessory structures must be aesthetically compatible with the principal dwelling unit	To allow a Residential Accessory Structure [Detached Carport] to not be aesthetically compatible with the principal dwelling unit.	19.06.040	Denial
Size and coverage not to exceed 50% of the floor area of the principal dwelling unit	To allow a total accessory structure size of 53 percent of the principal dwelling floor area.	19.06.070	Denial

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<i>Requirement</i>	<i>Request</i>	<i>Applicable code section</i>	<i>Staff Recommendation</i>
The total ground floor areas of all structures and dwellings shall not exceed the percentage of lot coverage permitted.	To allow a lot coverage of 52 percent where 50 percent is the maximum allowed.	19.06.070	Denial

There is no hardship related to the site’s physical characteristics that would warrant deviation from Title 19 requirements. Therefore, staff recommends denial of the Variance request, with conditions if approved.

FINDINGS (23-0671-VAR1)

In accordance with the provisions of Title 19.16.140(B), the Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature.”

Additionally, Title 19.16.140(L) states:

“Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution.”

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by constructing a Residential Accessory Structure [Detached Carport] without a permit that fails to comply with Title 19 requirements. Removal of the Residential Accessory Structure [Detached Carport] would allow conformance to the Title 19 requirements. In view of the absence of any hardships imposed by the site’s physical characteristics, it is concluded that the applicant’s hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

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BACKGROUND INFORMATION

Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.	
04/18/22	A Code Enforcement case (#CE22-01894) was processed citing violations of an existing non-permitted accessory structure that does not meet setback requirements at 5308 Rebecca Road. The case remains unresolved pending the result of this Variance request.

Most Recent Change of Ownership	
04/19/19	A deed was recorded for a change in ownership.

Related Building Permits/Business Licenses	
01/19/23	A building permit (#R23-00896) application was processed for an RV Carport at 5308 Rebecca Road. A permit has not been issued.

Pre-Application Meeting	
12/21/23	A pre-application meeting was held with the applicant and the submittal requirements for a Variance were discussed.

Neighborhood Meeting	
A neighborhood meeting was not required, nor was one held.	

Field Check	
02/28/24	Staff conducted a routine field check and observed a single family dwelling with an existing detached carport. No other issues were noted.

Details of Application Request	
Site Area	
Net Acres	0.17

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Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District
Subject Property	Residential, Single Family, Detached	L (Low Density Residential)	R-1 (Single Family Residential)
North	Residential, Single Family, Detached	L (Low Density Residential)	R-1 (Single Family Residential)
South	Residential, Single Family, Detached	L (Low Density Residential)	R-1 (Single Family Residential)
East	Residential, Single Family, Detached	L (Low Density Residential)	R-1 (Single Family Residential)
West	Residential, Single Family, Detached	L (Low Density Residential)	R-1 (Single Family Residential)

Master and Neighborhood Plan Areas	Compliance
Las Vegas 2050 Master Plan Area: Rancho	Y
Special Area and Overlay Districts	Compliance
A-O (Airport Overlay) District – 200 Feet	Y
RP-O (Rural Preservation Overlay) District	Y
Other Plans or Special Requirements	Compliance
Trails	N/A
Las Vegas Redevelopment Plan Area	N/A
Interlocal Agreement	N/A
Project of Significant Impact (Development Impact Notification Assessment)	N/A
Project of Regional Significance	N/A

DEVELOPMENT STANDARDS

Pursuant to 19.06.070, the following standards apply:

Standard	Required/Allowed	Provided	Compliance
Min. Lot Size	6,500 SF	7,405 SF	Y
Min. Lot Width	60 Feet	62 Feet	Y
Min. Setbacks [Detached Carport]			
• Side	3 Feet	0 Feet	N*
• Rear	3 Feet	5 Feet	Y
Min. Separation From Main Building	6 Feet	0 Feet	N*
Max. Lot Coverage – All Structures	50%	52 %	N*

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Standard	Required/Allowed	Provided	Compliance
Max. Accessory Structure Size and Coverage	50% of the floor area of the principal dwelling	53 %	N*
Max. Building Height [Detached Carport]	15 Feet	16 Feet	N*

*A Variance (23-0671-VAR1) is requested for deviations of various Title 19 development standards.